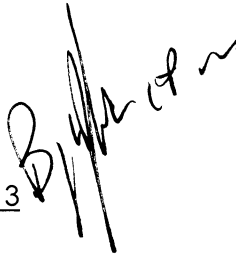


DATE: November 15, 2004
TO: Municipal Clerk
FROM: Byron E. Johnson, C.P.M.
Director of Purchasing x 4313
THRU: Aurora Wells
Bid Clerk ext. 4038



Please place the following item on the **REGULAR** agenda for the Council Meeting of **NOVEMBER 23, 2004**.

Item should read as follows:

RESOLUTION

WHEREAS, the City Council of the City of El Paso, by Resolution dated March 12, 2002, determined that the competitive sealed proposal method is the project method that provides the best value to the City when entering into a contract for the construction of a facility; and

That the City of El Paso hereby awards Solicitation for McKelligon Canyon Park Improvements, No. 2004-214, to F. T. James Construction, Inc. in the amount of \$1,729,500.00 as this Offeror provides the Best Value to the City based on the published criteria and on its ranking evaluation; and

That the Mayor be authorized to sign the contract referenced above as approved by the City Engineer, Contract Compliance, Purchasing and the City Attorney; and

That the Mayor be authorized to execute budget transfers for this award and project, as necessary; and

That the City Engineer is hereby authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Contact person: Byron E. Johnson, C.P.M., Director of Purchasing at 541-4313.

AGENDA FOR: **NOVEMBER 23, 2004**

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)**

DEPARTMENT: Purchasing

AGENDA DATE: November 23, 2004

CONTACT PERSON/PHONE: Byron Johnson, Director of Purchasing / X4313

DISTRICT(S) AFFECTED: 2

SUBJECT:

Award Best Value Procurement construction contract for the McKelligon Canyon Park Improvements, Solicitation No. 2004-214, to F. T. James Construction, Inc. in the total negotiated amount of \$1,729,500.00, (Base Bid I, Base Bid II, Alternate #5, Alternate #7A (Modified), Alternate #7B, Alternate #7C) as per the recommendation from the Departments of Parks and Recreation and Purchasing, and the Project Manager, Perspective 3/DI, F. T. James Construction, Inc. has provided the best value proposal. It is requested that the Mayor be authorized to sign the referenced contract and execute budget transfers for this award and project, as necessary.

BACKGROUND / DISCUSSION:

Bid tabulation , Best Value Evaluation Sheet, Recommendation, and Value Engineered Negotiated Contract Change, are included in the agenda backup.

PRIOR COUNCIL ACTION:

N /A

AMOUNT AND SOURCE OF FUNDING:

200 Quality of Life Bonds. Funding is available in 31130600-PPW0046046-60061-508027

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

Director of Parks and Recreation
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

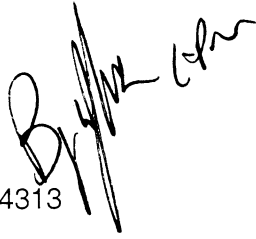
CITY MANAGER: _____

DATE: _____

Date November 15, 2004

To: Municipal Clerk

FROM: Byron E. Johnson
Director of Purchasing X4313



THRU: Aurora Wells
Bid Clerk X4038

Please place the following item on the REGULAR agenda for the Council Meeting of **November 23, 2004.**

RESOLUTION

WHEREAS, the City Council of the City of El Paso, by Resolution dated March 12, 2002, determined that the competitive sealed proposal method is the project method that provides the best value to the City when entering into a contract for the construction of a facility; and

That the City of El Paso hereby awards Solicitation for McKelligon Canyon Park Improvements, No. 2004-214, to F. T. James Construction, Inc. in the amount of \$1,729,500.00 as this Offeror provides the Best Value to the City based on the published criteria and on its ranking evaluation; and

That the Mayor be authorized to sign the contract referenced above as approved by the City Engineer, Contract Compliance, Purchasing and the City Attorney; and

That the Mayor be authorized to execute budget transfers for this award and project, as necessary; and

That the City Engineer is hereby authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Contact person: Byron E. Johnson, Director of Purchasing at 541-4313

AGENDA FOR: November 23, 2004

RESOLUTION

WHEREAS, the City Council of the City of El Paso, by Resolution dated March 12, 2002, determined that the competitive sealed proposal method is the project method that provides the best value to the City when entering into a contract for the construction of a facility; and

WHEREAS, the selection of a construction contractor for the Mc Kelligon Canyon Park Improvements, Solicitation No. 2004-214, shall be accomplished through the use of the Competitive Sealed Proposal Method; and

WHEREAS, certain procedures must be met under state law when selecting a contractor for construction of a facility through competitive sealed proposals; and

WHEREAS, the City has followed the required procedures by preparing a request for competitive sealed proposals that includes construction documents, selection criteria used in selecting the successful offeror, estimated budget, project scope, schedule, and other information that contractors may require to respond to the request; and

WHEREAS, the City has received, publicly opened, and read aloud the names of the offerors and the prices stated in each proposal and has, no later than the 45th day after the date of opening the proposals, evaluated and ranked each proposal submitted in relation to the published selection criteria; and

WHEREAS, the City selects F. T. James Construction, Inc. as the offeror that offers the best value to the City based on the published selection criteria and on its ranking evaluation; and

WHEREAS, the City has successfully negotiated a contract with F. T. James Construction, Inc. and has, along with the Architect, discussed with F. T. James Construction, Inc. options for a scope or time modification and price change associated with the modification.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso hereby awards Solicitation Bid No. 2004-214, Mc Kelligon Canyon Park Improvements to F. T. James Construction, Inc. in the amount of \$1,729,500.00, as this offeror provides the best value to the City based on the published criteria and on its ranking evaluation; and

THAT the Mayor be authorized to sign the contract referenced above as approved by the City Engineer, Contract Compliance, Purchasing, and the City Attorney; and

THAT, the Mayor be authorized to execute budget transfers for this award and project as necessary; and

THAT the City Engineer is hereby authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order and 25% of the original contract price as awarded, without further authorization by City Council.

ADOPTED this 23rd day of November, 2004.

CITY OF EL PASO

ATTEST:

Joe Wardy
Mayor

Richarda D. Momsen
Municipal Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Ruth Reyes
Assistant City Attorney

Byron E. Johnson
Director of Purchasing

CITY OF EL PASO BID TABULATION

BID ITEM: MCKELLIGON CANYON PARK IMPROVEMENTS

BID # 2004-214

BID DATE: OCTOBER 6, 2004

DEPART: PARKS

	F. T. JAMES CONSTRUCTION EL PASO, TEXAS						
DESCRIPTION	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL
BASE BID I Park Improvements; Amphitheater Front-Of-the-House; Amphitheater Seating, Amphitheater Stage & Backstage	\$1,651,222.00						
BASE BID II Amphitheater Septic System Improvements; Pavillion Septic System Improvements, State Park Restrooms	\$110,000.00						
ALTERNATE #1 Park Improvements	\$45,000.00						
ALTERNATE #2 Amphitheater Front-of-the-House	\$32,000.00						
ALTERNATE #3 Amphitheater Stage & Backstage	\$60,000.00						
ALTERNATE #4 Amphitheater Stage & Backstage	\$110,000.00						
ALTERNATE # 5 Amphitheater Stage & Backstage	\$38,000.00						
ALTERNATE # 6 Amphitheater Stage & Backstage	\$77,000.00						
ALTERNATE # 7A Pavillion	\$333,333.00						
ALTERNATE # 7B Pavillion	\$65,000.00						
ALTERNATE # 7C Pavillion	\$32,000.00						
SUM TOTAL OF BASE BID I AND BASE BID II ALTERNATES 1 - 7	\$2,553,555.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
AMENDMENTS	YES						
BID BONDS	YES						

Approved by:

Barbara Crumley
10/6/04

BEST VALUE OFFEROR CERTIFICATION

MC KELLIGON CANYON PARK IMPROVEMENTS BID NO 2004-214

The evaluation of offers for the Best Value Procurement for this Proposal has been completed.

The Offeror, FT James, has received the
(Contractor's Name)

highest score, 100, and is, therefore, certified as offering the City of El Paso the Best Value for this project.

The amount of the award will be \$ PENDING - TO BE DETERMINED

This amount includes the following proposal components and alternates with their corresponding amounts:

PROPOSAL COMPONENT	\$ AMOUNT
<u>BASE BID I & II</u>	<u>PENDING</u> <u>TO BE DETERMINED</u>
<u>ALTERNATES</u>	<u>" "</u>

I, Frederic Daubin, of WRIGHT & DAUBIN ARCHITECTS INC
(Name) (Department or Firm)

concur with this Certification on this the 22 day of OCTOBER 2004.

I, Joel S. Bayman, of C.R. Engineering Pct,
(Name) (Department or Firm)

concur with this Certification on this the 22 day of OCTOBER 2004.

I, Norm Chiquil, of Parks & Recreation,
(Name) (Department or Firm)

concur with this Certification on this the 22 day of OCTOBER 2004.

I, Renal, of P+3,
(Name) (Department or Firm)

concur with this Certification on this the 22nd day of OCTOBER 2004.

I, _____, of _____,
(Name) (Department or Firm)

concur with this Certification on this the _____ day of _____ 2004.

**CITY OF EL PASO PURCHASING DEPARTMENT
VALUE ENGINEERED NEGOTIATED CHANGE**

PROJECT:	McKelligon Canyon Park Improvements	BID NO.:	2004-214
TO (Contractor):	F. T. James Construction, Inc. 700 W. Paisano Drive El Paso, Texas 79901	DEPT. ID#:	31130600
		PROJ/GRANT/USER:	PPW0046046
		FUND:	60061
		ACCOUNT:	508027

You are directed to make the following changes to this Contract:

Value Engineered changes as noted in the attached Memorandum of Negotiation dated November 9, 2004 and signed by the Contractor, Parks and Recreation Department, and Project Manager.

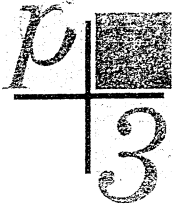
VALUE ENGINEERED DEDUCT AMOUNT	\$500,055.00
--------------------------------	--------------

Original Contract Sum					\$2,229,555.00
Net Change by previous Change Orders					\$2,229,555.00
Contract Sum prior to this Value Engineering Deduct					(\$500,055.00)
Contract Sum will be	(increased)	(decreased)	(unchanged)	By this VE Deduct	\$1,729,500.00
New Contract Sum, including this Change Order					(\$500,055.00)
Total Net Value of Change Orders To Date					
Contract Time will be	(increased)	(decreased)	(unchanged)	BY (0) DAYS	
Net VE Deduct Percentage (Not to exceed 25%)					-22.43%

City Council Action Required: ☒ YES ☐ NO

BEST VALUE PROCUREMENT EVALUATION SHEET
MC KELLIGON CANYON PARK IMPROVEMENTS, BID NO. 2004-214

CRITERIA	F. T. JAMES	OFFEROR NAME	OFFEROR NAME	OFFEROR NAME
Offeror's Price Maximum 65 Points <i>Low Offer / Offer * 65</i>	\$1,651,222.00 65.00	\$ AMT	\$ AMT	\$ AMT
Offeror's Past Relationship with Owner Maximum 10 points <i>Contract Compliance w/City Contracts (0 -8 pts)</i> <i>Completion of City Contracts Prior to Completion Date (0 - 2 pts)</i> <i>Negative Performance on City Contracts (0 to -10 pts)</i>	8.00 2.00			
Offeror's Experience & Qualifications Maximum 10 Points <i>Completed Projects Similar Size/Scope/Value (0 - 8 pts)</i> <i>Offeror Has Been in Business More Than 5 yrs (0 - 2 pts)</i> <i>Negative Performance on Contract(s) (0 to -10)</i>	8.00 2.00			
Health Benefits Maximum 5 Points <i>Offeror Provides & Pays 60% or More of Cost (0 or 5 pts)</i>	5.00			
Local Project Manager Maximum 5 Points <i>Prime Contractor has a Local Project Mgr (0 or 5 pts)</i>	5.00			
Local Subcontractor Work Maximum 5 Points <i>Local Subs to perform 75% of subcontracted work (0 or 5 pts)</i>	5.00			
TOTAL POINTS EARNED	100.00	0.00	0.00	0.00



November 9, 2004

Barbara Crumley
City of El Paso Purchasing
2 Civic Center Plaza
El Paso, Texas 79901

RECOMMENDATION

Ref: McKelligon Canyon
Bid # 2004-214

Dear Barbara,

The following is the recommendation for award of the mentioned Bid. This recommendation is based on the attached package documenting the Value Engineering efforts for this project. There is additional funding required for this project and we are in the process of issuing Budget Amendments in order to have such available for award. City Council will also have an item on the agenda for next week to add an additional \$225,000 for this project. I am attaching a copy of the agreement with FT James, my letter of recommendation and the proposed Budget Funding for the project..

Award: FT James Construction Inc.

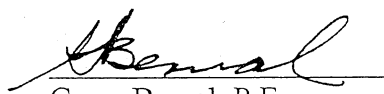
Bid: Negotiated Modified Base Bid (Including modified alternates 5, 7A, 7B and 7C)
\$1,729,500

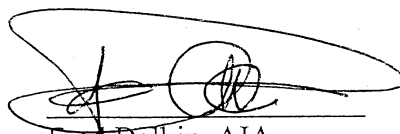
Total recommendation for award \$ 1,729,500


Required Budget Amendment as described in the attached Budget Sheet

The undersigned agree with the negotiated scope and price and thus recommend award of the contract as specified.

Sincerely,


Gerry Bernal, P.E.


Fred Dalbin, AIA


Norman Merrifield, Ed.D

Wright & Dalbin Architects, Inc.

2112 Murchison Drive
El Paso, Texas 79930
915/533.3777
915/532.7733
www.wrightdalbin.com

November 9, 2004

To: P+3
Attn: Gerry Bernal, Project Manager
7380 Remcon Ste A
El Paso, Texas 79912

Re: Mc Kelligon Canyon Park Improvements
Construction Contract Negotiations &
Value Engineering

Memorandum

This memorandum intent is to summarize the items discussed in regard to the McKelligon Canyon Park Improvements bid and Value Engineering negotiation as agreed in between the General Contractor, FT James, Parks and Recreation representatives (Richard Garcia and Norman Merrifield), P+3 (Gerry Bernal) and Wright & Dalbin Architects (Fred Dalbin).

BASE BID: FT James clarified that the apprentice program and higher wage scales applied to the building trades within 5-foot of any building structure. Site work, landscaping, irrigation, etc, did not apply as such has a different wage scale. He also remarked that he will submit approved equal equipment to be reviewed and approved by architect and owner in accordance with specifications.

Amphitheater: Front Of The House:

Plaza: see attached drawing.

The front plaza site work will remain the same with adjustment at the North corner parking turnaround, eliminating landscaping, relocating the retaining wall against the sidewalk to cut on fill and relocating the stairs to the lower level as shown on attached drawing. The benches, tree gates and trash can is as per landscape plans.

Eliminate the two new metal structure buildings and provide a new steel structure pergola at the entrance / ticket booth windows keeping with the original design intent but removing plumbing and restroom work and finishes. The First Aid and Gift Shop rooms are to be relocated within the existing rock structure amphitheater building with some improvement work (metal stud walls, drywall

finish and some electrical up-grades). A through the wall heat pump unit is to be included in the first aid room but not for the gift shop.

Eliminate the two storage facilities at the Plaza.

Provide full rock masonry walls in lieu of new CMU walls with rock veneer at women restroom screen walls.

Eliminate all work in the "State" bathrooms and its associated sitework.

Stage area:

Some of the asphalt paving to be removed from the upper walkway to the upper canyon area is to stay as is. The rest of the work is as per plans including a 4-inch concrete slab and a 12-inch square interlock tile flooring for the stage area as dimensioned on attached drawing.

The existing stage sliding wood doors are to be pre-hung, repaired and patched to working condition and painted.

Dressing rooms:

We are changing the doors to the costume storage closets to pre-hung pressboard solid core type units. The high shelves above the mirrors are eliminated. The rest of the renovation work is as per plans and specifications.

Pedestrian Bridge: included are some repairs to the existing bridge as follows: reinforce existing wood railing with additional wood studs, replacing floor planks and repainting the wood structure.

Pavilion: The new warming kitchen addition is eliminated from the scope, the new electrical service and lighting work are downsized and some site work is eliminated. Included is the following:

Refinish the existing interior concrete flooring (preparing and painting the 13-foot band around, and sanding and finishing the middle section).

Installing new anodized aluminum profiles windows and doors

Providing some new electrical power and lighting up-grades including panels, circuits, outlets and selected lights at the Main Room. The service is to be stay 1 phase in lieu of 3 phase power supply.

Rehabilitate existing restrooms for handicap accessibility including installing new partitions and fixtures as shown.

In addition install new septic tank and sewer line as shown on plans and specifications.

Install new evaporative cooling and electric heating systems as per plans with the exception to provide two 12,000 cfm units on steel platforms as per code in lieu of one large unit as originally designed.

Exterior Patio new landscape, irrigation, furniture and new surface finishes as shown on Plans.

Repair existing exterior concrete stairs & built new ramps and walkways around the building, to the handicap parking spaces and the restrooms with minor modifications as per attached drawing.

Shelter: The existing damaged shelter is to be repaired as per plans but the roofing will include only the portion where the decking is to be replaced and not the entire roof area (allowed \$5,000 – Part of base bid).

Base Bid II: Install a new sewer line from the women restrooms to the stair case where a two-way clean-out is to be installed.

The breakdown cost is as follows:

Base Bid

Amphitheater Site:	\$ 1,479,000
Shelter (Roof repairs)	\$ 5,000
Sliding doors	\$ 8,000
Men restrooms	
Plumbing (8 wc to change)	\$ 8,000
Patch & Paint at men's bathrooms	\$ 4,000
Painting all Exterior previously painted incl. handrails	\$ 15,000

Total Negotiated Base Bid on Amphitheater **\$ 1,519,000**

Pavilion

Windows, Doors & HVAC	\$135,000
Landscaping	\$30,000
Restrooms	\$28,000
Concrete site and walkways	\$ 7,500
Septic tank	\$10,000

Total Pavilion Negotiated Bid **\$ 210,500**

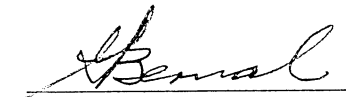
Total Construction Cost **\$ 1,729,500**

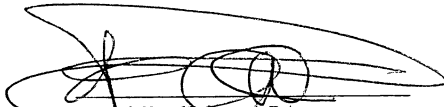
The following amounts were negotiated although they are not included as part of the above proposed alternatives.

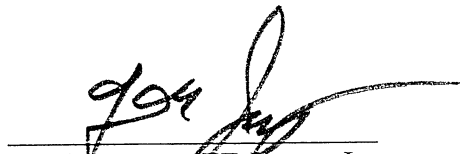
Alternate #2 (As per plans and specs)	\$ 29,000
Alternate #4 (Moving shop bldg to the bldg side (West) of the creek, otherwise as per plans and specs.)	\$ 80,000

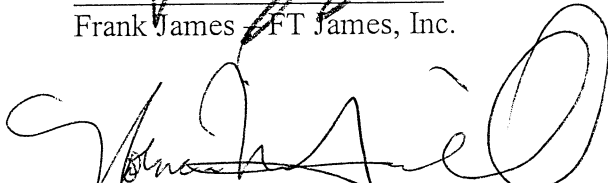
The parties have negotiated in good faith with the overall idea of proving a **complete project as per the original intent but modified as per the previous descriptions**. It is not the intent of either party to mislead the other and attempt to provide or require either less or more than the overall concept as described herein. It is also agreed that unless normal unforeseen circumstances occur within the construction period no other changed orders are anticipated.

The following agree to the foregoing and certify that they have negotiated in good faith.


Gerry Bernal, P.E – P+3


Fred Dalbin, AIA


Frank James – FT James, Inc.


Norman Merrifield, Ed.

NORTH

01 NEW WORK FLOOR PLAN - PAVILLION

SCALE: 1" = 50' - 0"

<input type="checkbox"/> Supplementary Drawing No. _____ Item. _____		Project:		Sheet No.	
<input type="checkbox"/> Change Order No. _____		McKELLIGON CANYON PARK IMPROVEMENTS		1	
<input type="checkbox"/> Addendum No. _____		Drawing Title:			
<input type="checkbox"/>		NEW PROPOSAL			
Scale:		Date:	Drawn By:	Checked By:	
AS SHOWN		11-9-04	JLP	FD	
Wright & Dalbin Architects Inc. 2112 Murchison Dr., El Paso, Texas 79906 915/ 532-3777 Fax 915/ 532-7233					